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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,357	01/14/2005	Hong-Jae Lee	0012.1001	9303
71433	7590	08/05/2008		
Jason Y. Pahng and Associates, LLC				
12178 Bridgend Run				
Fairfax, VA 22030				
EXAMINER				
COLQUITT, AARON BRUCE				
ART UNIT		PAPER NUMBER		
3735				
NOTIFICATION DATE		DELIVERY MODE		
08/05/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jpahng@yahoo.com
jpahng@lecmock.com
iplaw@lecmock.com

Office Action Summary

Application No.

10/521,357

Applicant(s)

LEE, HONG-JAE

Examiner

AARON COLQUITT

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is in response to the amendment dated April 30, 2008. The examiner acknowledges the cancellation of claim 10. Claims 1-9 are pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 and 4-6 are rejected under 35 U.S.C. 102(e) as being anticipated by
Pub. No: US 2003/0009077 to Woo (hereinafter "Woo").

Woo teaches a method of modulating the human meridian system using a small bar magnet having a length of 3 cm or less and a coercivity of 1000 gauss or greater, wherein the meridian system is promoted by attaching the small bar magnet to the skin such that the direction of flow of a magnetic force of the magnet is the same as the direction of flow of the meridian system. The method relieves pain by applying a north pole of a magnet that is flat and smooth, directly to the skin of a patient at locations of the principles of Oriental medicine [0005] in order to apply a therapeutic effect to the entire body while improving circulation and energy flow.

When applying multiple magnets for partial treatment of a region or multiple regions together, magnets are placed and spaced apart one another at an equal distance throughout a region or regions and the number of magnets used is determined by the size and total flux of the magnet based on repelling and pulling power. When utilizing the combined method, magnets should be applied concurrently in same way as to produce a balanced treatment effect for all regions involved [0060].

The magnets may have any configuration appropriate to the area to which it is applied, such as square, rectangular, bar or flexible [0064]. The size of the magnet is preferred to be from 1/16"X1/16" to 20"X45" and any magnet within this range of size can affectively be used and the total flux of the magnets used is about 30-250,000 [0084].

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woo in view of US Pub. No: 2002/0169357 to Chen (hereinafter "Chen").

Woo teaches that the magnets may have any configuration appropriate to the area to which it is applied, such as square, rectangular, bar or flexible [0064]. The size of the

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magnet is preferred to be from 1/16"X1/16" to 20"X45" and any magnet within this range of size can affectively be used.

Woo however does not disclose that the thickness of the magnets is of 0.5 or 0.3 mm or less.

Chen teaches that acupoints are associated with meridian channels [0002] and that the use of magnets on meridian channels is used to relieve pain [0005]. The magnet can be implanted or placed directly on the acupoints [009] and is preferred to be a strength of 1000-3000 gauss with a variety of shapes and sizes (0.1 X 0.1 cm) with a preferred thickness of 0.1-0.3 cm [0044].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided a method of modulating the human meridian similar to that of Woo with magnets of a thickness less than 0.3 cm similar to that of Chen in order to provide for a therapeutic method of treating the body that comprises the use of magnets that do not occupy too much surface area so that they can supply therapy to each spot on the meridian system

6. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woo in view of Chen.

Woo teaches a method of modulating the human meridian system using a small bar magnet having a length of 3 cm or less and a coercivity of 1000 gauss or greater, wherein the meridian system is promoted by attaching the small bar magnet to the skin

such that the direction of flow of a magnetic force of the magnet is the same as the direction of flow of the meridian system. The method relieves pain by applying a north pole of a magnet that is flat and smooth, directly to the skin of a patient at locations of the principles of Oriental medicine [0005] in order to apply a therapeutic effect to the entire body but fails to teach that the magnets can be implanted.

Chen teaches that acupoints are associated with meridian channels [0002] and that the use of magnets on meridian channels is used to relieve pain [0005]. The magnet can be implanted or placed directly on the acupoints [009] and is preferred to be a strength of 1000-3000 gauss with a variety of shapes and sizes (0.1 X 0.1 cm) with a preferred thickness of 0.1-0.3 cm [0044].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have implemented a method of modulating the human meridian system using small bar magnets similar to that of Woo while implanting the magnets of variable thickness on the meridian channels as taught by Chen in order to provide for a therapy that can more closely influence the meridian system while allowing concealment that would not affect everyday activities.

Response to Arguments

7. Applicant's arguments, see page 1, filed April 30, 2008, with respect to the rejection(s) of claim(s) 1-9 under 103(a), alleging that Chen and Lopez fail to mention the direction of flow of a magnetic force of the magnets, have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further

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consideration, a new ground(s) of rejection is made in view of the newly applied art of Woo.

8. Applicant's arguments with respect to the Affidavit under 37 CFR 1.132 alleging that the effects of the magnetic force of bar magnets are different from the effects of disc magnets have been considered but are moot in view of the new ground(s) of rejection.

The prior art of Chen teaches that the magnets may be bar (rectangular) shaped and thus covers the limitation of the differences between a magnetic disc and that of a bar, however the prior art of Woo was applied to more accurately address the claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AARON COLQUITT whose telephone number is (571)270-1991. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor II can be reached on (571) 272-4730. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Charles A. Marmor, II/
Supervisory Patent Examiner
Art Unit 3735

/A. C./
Examiner, Art Unit 3735